

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

DRAFT  
10.5.07

**BILL 12**

LLS NO. 08-0310.01 Thomas Morris

**INTERIM COMMITTEE BILL**

**Interim Committee to Study the Allocation of Severance Tax and  
Federal Mineral Lease Revenues**

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**SHORT TITLE:** "Severance Approp Auth Parks & Wildlife"

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**A BILL FOR AN ACT**

101 **CONCERNING APPROPRIATIONS FROM THE OPERATIONAL ACCOUNT OF**  
102 **THE STATE SEVERANCE TAX TRUST FUND, AND, IN CONNECTION**  
103 **THEREWITH, AUTHORIZING ADDITIONAL DIVISIONS WITHIN THE**  
104 **DEPARTMENT OF NATURAL RESOURCES TO RECEIVE SUCH**  
105 **APPROPRIATIONS AND AUTHORIZING ENERGY-RELATED**  
106 **ASSISTANCE TO LOW-INCOME HOUSEHOLDS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Interim Committee to Study the Allocation of Severance Tax and Federal Mineral Lease Revenues.** Authorizes 5% of moneys in the

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

operational account of the state severance tax trust fund to be appropriated for programs in the division of wildlife within the department of natural resources. Authorizes 5% of moneys in the operational account of the state severance tax trust fund to be appropriated for programs in the division of parks and outdoor recreation. Reduces authorized appropriations by 5% each for the oil and gas conservation commission and the division of reclamation, mining, and safety within the department.

Allocates \$13 million per year from the operational account of the severance tax trust fund to provide energy-related assistance to low-income households through direct bill payment assistance and home energy efficiency improvements.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** 39-29-109 (1) (c) (I), (1.5) (a), (1.5) (f) (I) (C), and  
3 (1.5) (f) (II), Colorado Revised Statutes, are amended, and the said  
4 39-29-109 (1.5) is further amended BY THE ADDITION OF A NEW  
5 PARAGRAPH, to read:

6           **39-29-109. Severance tax trust fund - created - administration**  
7 **- use of moneys - definitions - repeal.** (1) (c) (I) For fiscal years  
8 commencing on and after July 1, 1997, the executive director of the  
9 department of natural resources shall submit with the department's budget  
10 request for each fiscal year a list and description of the programs the  
11 executive director recommends to be funded from the operational account  
12 of the severance tax trust fund. The state minerals, energy, and geology  
13 policy advisory board established pursuant to section 34-20-104, C.R.S.,  
14 shall review the executive director's recommendation before submittal.  
15 The general assembly may appropriate moneys from the total moneys  
16 available in the operational account of the severance tax trust fund to fund  
17 recommended programs as follows:

18           (A) For programs or projects within the Colorado oil and gas  
19 conservation commission, up to ~~forty-five~~ FORTY percent of the moneys

1 in the operational account;

2 (B) For programs within the Colorado geological survey, up to  
3 twenty percent of the moneys in the operational account;

4 (C) For programs within the division of reclamation, mining, and  
5 safety, up to ~~thirty~~ TWENTY-FIVE percent of the moneys in the operational  
6 account. As part of such ~~thirty~~ TWENTY-FIVE percent, five hundred  
7 thousand dollars, or so much as may be available, shall be transferred to  
8 the abandoned mine reclamation fund created in section 34-34-102,  
9 C.R.S.

10 (D) For programs within the Colorado water conservation board  
11 and for purposes authorized by article 75 of title 37, C.R.S., up to five  
12 percent of the moneys in the operational account;

13 (E) FOR PROGRAMS WITHIN THE DIVISION OF WILDLIFE AND FOR  
14 PURPOSES AUTHORIZED BY ARTICLES 1 TO 6 OF TITLE 33, C.R.S., UP TO  
15 FIVE PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT;

16 (F) FOR PROGRAMS WITHIN THE DIVISION OF PARKS AND OUTDOOR  
17 RECREATION AND FOR PURPOSES AUTHORIZED BY ARTICLES 10 TO 32 OF  
18 TITLE 33, C.R.S., UP TO FIVE PERCENT OF THE MONEYS IN THE  
19 OPERATIONAL ACCOUNT.

20 (1.5) (a) Notwithstanding any provision ~~in~~ OF this section to the  
21 contrary, ~~for four state fiscal years beginning with the state fiscal year~~  
22 ~~commencing on July 1, 2005~~, a portion of the operational account of the  
23 severance tax trust fund shall be used for the purpose of providing  
24 energy-related assistance to low-income households through direct bill  
25 payment assistance and home energy efficiency improvements in a  
26 manner consistent with this subsection (1.5).

27 (e.5) (I) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER

1 JULY 1, 2009, THE GENERAL ASSEMBLY SHALL APPROPRIATE THIRTEEN  
2 MILLION DOLLARS, OR A LESSER AMOUNT AS SET FORTH IN SUBPARAGRAPH  
3 (II) OF THIS PARAGRAPH (e.5), AS FOLLOWS:

4 (A) SEVEN MILLION DOLLARS SHALL BE APPROPRIATED FOR DIRECT  
5 BILL PAYMENT ASSISTANCE FOR LOW-INCOME HOUSEHOLDS IN THE SAME  
6 MANNER AS SET FORTH IN SUBPARAGRAPH (I) OF PARAGRAPH (c) OF THIS  
7 SUBSECTION (1.5).

8 (B) SIX MILLION DOLLARS SHALL BE APPROPRIATED TO THE OFFICE  
9 OF THE GOVERNOR TO BE USED BY THE GOVERNOR'S ENERGY OFFICE, OR  
10 ANY SUCCESSOR OFFICE, TO PROVIDE HOME ENERGY EFFICIENCY  
11 IMPROVEMENTS FOR LOW-INCOME HOUSEHOLDS.

12 (II) IF, BASED ON INFORMATION AVAILABLE ON SEPTEMBER 1 OF  
13 EACH FISCAL YEAR, IT IS DETERMINED THAT THE AMOUNT EQUAL TO  
14 ONE-HALF OF THE OPERATIONAL ACCOUNT SURPLUS FOR THE STATE FISCAL  
15 YEAR COMMENCING ON JULY 1 OF THE PREVIOUS FISCAL YEAR WAS LESS  
16 THAN THIRTEEN MILLION DOLLARS, THEN THE TOTAL APPROPRIATION  
17 REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e.5)  
18 SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THIRTEEN MILLION  
19 DOLLARS AND THE AMOUNT EQUAL TO ONE-HALF OF THE OPERATIONAL  
20 ACCOUNT SURPLUS FOR THE PREVIOUS STATE FISCAL YEAR, AND THE  
21 APPROPRIATIONS THAT ARE REQUIRED PURSUANT TO SUBPARAGRAPH (I)  
22 OF THIS PARAGRAPH (e.5) SHALL BE REDUCED PROPORTIONALLY.

23 (f) (I) In addition to the requirements of subparagraph (III) of  
24 paragraph (c) of subsection (1) of this section, the end balance of the  
25 operational account of the severance tax trust fund shall be at least:

26 (C) Thirteen million dollars for ~~the~~ state fiscal year YEARS  
27 commencing on OR AFTER July 1, 2007.

1           (II) It is the intent of the general assembly that the requirements  
2 of subparagraph (I) of this paragraph (f) shall ensure that there ~~is~~ ARE  
3 adequate moneys in the operational account of the severance tax trust  
4 fund to make the appropriations required in paragraphs (c) to ~~(e)~~ (e.5) of  
5 this subsection (1.5).

6           **SECTION 2. Effective date.** This act shall take effect July 1,  
7 2008.

8           **SECTION 3. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety. <*do you want a*  
11 *safety clause?*>